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BOARD OF APPEALS

Hearing # 14-03

**DECISION ON THE PETITION OF MICHAEL MURPHY
FOR A SPECIAL PERMIT TO ALLOW AN
ADDITION AT 5 HARVARD COURT**

The Acton Board of Appeals (the "Board") held a duly noticed public hearing on June 2, 2014, with regard to the Petition of Michael Murphy for a **Special Permit** under Section 8.2.3 of the Zoning By-Law to allow construction of a first floor bedroom and bathroom at the back of an apartment unit located at 5 Harvard Court. Map E5/Parcel 32.

Present at the hearing were Ken Kozik, Chairman; Jonathan Wagner and Richard Fallon, Board Members; Scott Mutch, Zoning Enforcement Officer; Board Secretary Cheryl Frazier; and petitioner Michael Murphy.

Chairman Kozik opened the meeting, read the contents of the file, and asked the petitioner to begin. Mr. Murphy said he is requesting permission to add a ground floor bedroom and bathroom to one of the existing four units at the apartment building for his mother, who is aging and has difficulty with stairs.

Scott Mutch, Zoning Enforcement Officer, stated that this is a non-conforming use. The RA zoning under Section 5.3.2.1 allows residential units at five units per acre, while this building has four units on a half-acre and so the multifamily use is nonconforming, and needs a Special Permit to expand.

Chairman Kozik characterized this as an extension of a nonconforming use, and asked whether the proposed addition would comply with setback requirements. Scott Mutch stated that it would comply.

Mr. Kozik closed the hearing.

The Board, making the mandatory findings under Section 10.3.5 of the By-Law, voted unanimously, 3-0, to GRANT the SPECIAL PERMIT, with the condition that the addition be built substantially as shown on the plans submitted.

ACTON BOARD OF APPEALS

Kenneth F. Kozik

Kenneth F. Kozik, Chairman

Jonathan Wagner
Jonathan Wagner, Member

Richard Fallon
Richard Fallon, Member

Dated:

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on June 19, 2014.

Cheryl Frazier
Cheryl Frazier, Secretary
Board of Appeals